

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGE GALAITSIS and
GIOANNIS J. SKARAKIS,

Plaintiffs,

Case No. 19-cv-13792
Hon. Matthew F. Leitman

v.

BETA CAE SYSTEMS
INTERNATIONAL AG, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF LEAVE
TO AMEND THEIR COMPLAINT**

On December 26, 2019, Plaintiffs George Galaitsis and Gioannis J. Skarakis filed this shareholder oppression suit against Defendants BETA CAE Systems International AG (“BETA”) and Jennifer Athanasiadis. (*See* Compl., ECF No. 1.) BETA has now moved to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot., ECF #8.) BETA argues, among other things, that the Complaint does not plead sufficiently detailed or specific factual allegations and is, therefore, defective for failing to state a plausible claim under the Supreme Court’s decisions in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). (*See id.*, PageID.33-34.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Plaintiffs the opportunity to file a First Amended Complaint in order to remedy the purported pleading defects in the Complaint. The Court does not anticipate allowing Plaintiffs another opportunity to amend to add factual allegations that they could now include in its First Amended Complaint. Simply put, this is Plaintiffs opportunity to allege any and all additional facts, currently known to them, that may cure the alleged pleading deficiencies in the Complaint.

By **February 17, 2020**, Plaintiff shall notify the Court and BETA in writing whether they will amend the Complaint or respond to the motion to dismiss. If Plaintiffs provide notice that they will be filing a First Amended Complaint, they shall file that amended pleading by no later than **March 2, 2020**, and BETA shall answer or otherwise respond to it by no later than **March 30, 2020**. Upon the filing of a First Amended Complaint, the Court will terminate without prejudice BETA's currently-pending motion to dismiss as moot. If Plaintiffs provides notice that they will not be filing a First Amended Complaint, they shall file its response to BETA's motion to dismiss in accordance with the Court's Local Rules.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 3, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 3, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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